

COMMISSION ON COMMON OWNERSHIP COMMUNITIES

Minutes of the Monthly Meeting

Via Zoom Audio-Visual Conference

**Wednesday October 6, 2021**

The monthly meeting of the Commission on Common Ownership Communities was called to order at 7:05 pm by Commission Chair Mark Fine.

**Commissioners present:** [14] ANDERSON, BENNETT, GELFOUND, FINE, HERRON, HOLMES, MOORE, MURTHY, MYO KHIN, NERLINGER, SEEBOLD, SMITH, STEINBACH AND WALKER.

**Commissioners absent:** None (one Vacancy)

**Staff present** WALTER WILSON, ESQ. ASSOCIATE COUNTY ATTORNEY; Staff: IFE FABAYO, INVESTIGATOR, OCOC, FRANK DEMARAIS, DEPUTY DIRECTOR, DHCA, NICOLETTE FAHS, OFFICE SERVICES COORDINATOR, OCOC.

**Guests:** Panel Chairs, Jeffrey Hamberger, Esq., Rene Sandler, Esq., Shuaa Tajammul, Esq. EX-OFFICIO RAND FISHBEIN, PhD, Saboura# Goldman & Colombo# P.C., Jawad Huleis- Longmead Crossing CA, Donnie Simpson- King Farm Citizens Association, Irina Smirnoff- Montgomery West HOA, Ronald Ely- Dufief Homes Association, Elizabeth Nolan -Director, 4620 Condominium Board, Neil Tender- Christopher Condominium, Barry Jackson- KFCA, Jo Ellen Bilanin, Glen McEwen, Jim Cagley,- Tanterra HOA, David Polinsky -Turnberry Courts, Debra Schmeidler, George Perry, Esq. -Falls Grove Condominium, Susan Mezey- 4620 N Park Ave Condo, Shirly Lake- Eccleston and Wolf, Tesh -GPV, Frank Luncheon- Aurora Condo, Jacquelyn Roberts- Waterford Place Homeowners Association, Inc., Jack Rich, Yvette Rich- Mutual 11, Ulani Prater Gulstone- Parkside Condominium

1. **Approval of Minutes:** After a brief discussion regarding the researching of the minutes of the July and August meetings, Commissioner Anderson moved to approve the minutes of the August 2021 monthly meeting. Commissioner Walker seconding. There was no discussion. All voted in favor, with Commissioner Smith not voting as he was late.
2. **Community Forum:** There were several questions from the audience, one question came from a homeowner within Leisure World, who felt the Commission was discriminating by holding our trainings on Saturday. The Commission immediately agreed to alternate our twice a month trainings to alternate one on Saturday and one on Sunday.
3. **Submission of disputes for Commission consideration: Jurisdiction – Default cases:**
  - a. **#2022-010, Smirnoff v. Montgomery West Homeowners Association–** Commissioner Fine moved to **remove the case from the docket and send it back to staff for further action** and Commissioner Gelfound seconded the motion. **The motion to Accept was carried by the Commission**, by unanimous consent, with Commissioner Smith absent for the vote (Arriving late).
  - b. **Commissioner Gelfound** moved to **Accept** jurisdiction of the **remaining Default Cases on the consent Docket** and **Commissioner Holmes** seconded the motion. After no discussion, **the motion to Accept was carried by the Commission**, with **13 in favor and Commissioner Smith absent** for the vote (Arriving late). Those cases are;
    - **#2021-037 Greencastle Lakes COA v Cuong Hoang & Tina Hoang**
    - **#2021-063 Longmead Crossing CSA v Mayotun Adesioye & Olajompo Adesioye**

- **#2022-008, Clarksburg Village Community Association, Inc. v. Eadara, et al.**
- **#2022-011, Longmead Community Services Association v. Masoud, et al.**
- **#2022-015, Longmead Community Services Association v. Reyes, et al.**

**4. Jurisdiction - Contested cases:**

- a. **#2021-008, Huleis, et ux. v. Longmead Community Services Association– Commissioner Anderson moved to Accept jurisdiction and Commissioner Myo Khin seconded the motion. After discussion, the motion to Accept was carried by the Commission with Commissioners Bennett, Steinbach , Walker and Gelfound voting against the motion, and Commissioner Fine recusing. 9/4/1**
- b. **#2021-066, Salzman v. 4620 North Park Condominium Association– Commissioner Bennett moved to DENY jurisdiction and Commissioner Anderson seconded the motion. There was no discussion on the matter, the motion to Reject (Deny) the case was carried by the Commission, with Commissioner Seebold voting against the motion, and Commissioner Fine recusing. 12/1/1**
- c. **#2021-076, Schmeidler v. CUO of Falls Grove Condominium – Commissioner Holmes moved to Accept jurisdiction and Commissioners Murthy/Anderson seconded the motion. There was no discussion on the matter. The motion to Accept was carried by the Commission, with Commissioner Myo Khin voting against the motion, and Commissioners Steinbach and Fine recusing. 11/1/2**
- d. **#2021-099, Rich v. Maryland Mutual Number 11, Inc. – Commissioner Murthy moved to Accept jurisdiction and Commissioners Smith/Myo Khin seconded the motion. After discussion based on the §10 B -11 (e ) mediation not occurring within 90 days , The motion to Accept was carried by the Commission, with Commissioner Nerlinger voting against the motion, and Commissioner Steinbach recusing. 12/1/1**
- e. **MOTION FOR RECONSIDERATION**

**#2021-080, Simpson, et ux. v. King Farm Citizens Assembly-Commissioner Gelfound moved to “Deny the Request for Reconsideration” and Commissioner Smith seconded the motion. After discussion, The motion to Deny Reconsideration was carried by the Commission, with Commissioner Nerlinger voting against the motion, and Commissioner Fine recusing. 12/1/1**

**5. Decisions and Orders on Appeal (in Circuit Court for Montgomery, MD)**

- a. **#2021-004, O’Neill v. 8101 Connecticut Avenue Condominium (Order pending)**
- b. **#2021-042, King Farm Citizens Assembly v. Siguel (Petition for Judicial Review filed on August 24, 2021) After Discussion amongst the Commission and the OCA, The chair moved that the Commission and the OCA not intervene with the Complainants appeal of this case to the Circuit Court. Commissioner Gelfound Seconded the motion, and the motion passed 14/0**

**6. County Attorney’s report** There was a discussion of the 2018 “Dispute Resolution Timeline” (which is included in the packet) being reviewed by the Panel Chairs. The Panel Chairs would like to ask Mr. Wilson to join them in the discussions. The Commission Chair will send him the documents and ZOOM information.

**7. DHCA status report:** The financial report case statistics for September was reviewed with those in attendance by Mr. Demarais.

**8. Chairman’s Report:** In the package

- a. There was a discussion of a change in page 2 of the Association Registration form to mirror the “On-Line” registration. A question was added to the page which states” What was the date of your last Reserve Study (Month and Year) There was a brief discussion of making a short MP-4 explaining the reserve study and what full funding means, what happens if a homeowner complains, etc.
- b. There was discussion of asking IT to place a link to the recently passed 2021 Common Ownership bills for reference to the website.
- c. There was a discussion of the Maryland Insurance Administration (Bulletin 20-31) Re: HO-6 Deductible going from \$5,000. To \$10,000. Back in Oct. 2020. There appears to be a movement by some Associations to internally raise their own member deductible to coincide with the master deductible. This appears to be in correlation with these associations experiencing claims based on aging common elements that were not maintained, and therefore claims have increased in frequency. The Condo Act is specific that any loss greater than \$10,000. Will be a common expense.
- d. At present the amendments to 10-B are still with DHCA awaiting their forwarding them to the County Executive. This will most likely happen in 2022.
- e. The Chair reminded everyone that IT has not yet “merged” the On-Line and ZOOM/ “In-Person” Director Training Completion list. So if someone checks the system for a Director to see if they have completed the class, it will only reflect “On-Line” training and not ZOOM/ “In-Person” Director Training. The staff does have an excel listing of those attendees and that list is updated every time a class it taught.
- f. There was a discussion of the Commissions dissatisfaction with case preparation and the Panel Chairs were assisting in reviewing and updating the 2018 CCOC DISPUTE RESOLUTION PROCESS & TIMELINES. The Panel Chairs are also crafting a standing ORDER to staff of what items need to be included with the CE-1 and preparing the case for hearing.

9. **Committee reports:**

- a. **Education Outreach Committee** – None
- b. **Executive Committee** – None

10. Old Business: None

11. New Business: None

12. **Adjournment: Commissioner Gelfound** moved to **adjourn the meeting**, **Commissioner Anderson** seconded the motion. All in favor. Meeting adjourned at 8:38 pm.

**Next meeting: Wednesday, November 3, 2021 at 7:00pm via zoom**

**Zoom invitations have been sent**